

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/624

- Applicant** : Mr. LEE Yiu Kwong represented by Metro Planning and Development Company Limited
- Site** : Lots 1202 S.C (Part) and 1202 S.D (Part) in D.D. 117 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : About 250 m² (including GL of about 30 m² or 12%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20 (currently in force)

Draft Tai Tong OZP No. S/YL-TT/19 (at the time of submission)
[No change to the zoning of the application site (the Site) on the OZP]
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of three years at the Site (**Plan A-1a**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is formed and currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track from Tai Tong Shan Road to its northeast. According to the applicant, the applied use is a shop for selling hardware accessories. Plans showing vehicular access, site layout, drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 250 m ²
Total Floor Area	About 150 m ²
No. of Structure	1 for shop and services
Height of Structure	4.5m (1 storey)
No. of Parking Spaces	2 for private cars (5m x 2.5m)
No. of Loading/ Unloading Space	1 for light goods vehicles (7m x 3.5m)
Operation Hours	9:00 a.m. to 7:00 p.m. daily

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with Attachments received on 14.11.2023 (**Appendix I**)
- (b) Further Information (FI) received on 2.1.2024 (**Appendix Ia**)
[exempted from publication and recounting requirements]

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the applied use would serve the nearby residents. It is temporary in nature and would not frustrate the long-term planning intention of the “V” zone;
- (b) similar planning applications have been approved in the proximity of the Site;
- (c) the applied use is not incompatible with the surrounding environment; and
- (d) no significant adverse traffic, environmental and drainage impacts will be caused.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in Town Planning Board Guidelines on Satisfying the “Owner’s Consent/ Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) are not applicable.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

There are nine similar applications (No. A/YL-TT/475, 496, 539, 549, 555, 558, 565, 566 and 591) for various shop and services uses within the subject “V” zone approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2019 and 2023 each for a period of three or five years, mainly on considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “V” zone; the proposals were not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

7. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

8. **The Site and Its Surrounding Areas** (Plans A-1 to A-4)

8.1 The Site is:

- (a) accessible via a local track from Tai Tong Shan Road to its northeast; and
- (b) formed and currently occupied by the applied use without valid planning permission (**Plan A-4**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) rural residential in character intermixed with open storage/storage yards, parking of vehicles, eating places, real estate agency, plant nursery, vehicle showroom, office and vacant land/structures;
- (b) there are residential structures in the vicinity with the nearest ones located about 15m to its south; and
- (c) except for a real estate agency, a vehicle showroom, a shop and two eating places covered by valid planning permissions (No. A/YL-TT/558, 565, 591, 596 and 606), as well as a storage yard to the northeast of the Site, the remaining open storage/storage yards, parking of vehicles and office uses in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 21.11.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting the application that there were trees at the Site as buffer from noise and pollution from a nearby road junction and questioning whether there had been tree felling on GL.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services for a period of three years at the Site zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it could meet any such demand for shop and services in the area. According to the District Lands Officer/Yuen Long, Lands Department, there is no Small House application approved/under processing within the Site. As such, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The applied use is generally not incompatible with the surrounding uses, which comprise predominantly village houses and residential dwellings intermixed with open storage/storage yards, car parks/parking of vehicles, eating places and other shop and services uses (**Plan A-2**).
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/adverse comments on the application from traffic, environmental, fire safety and drainage aspects. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 Given nine similar applications within the same “V” zone were approved by the Committee between 2019 and 2023, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There is one public comment on the application received during the statutory publication period objecting to the application as summarised in paragraph 10 above. Regarding the concerns on tree felling, there is no existing tree at the Site.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the application.

- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 12.1.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 12.7.2024;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 12.10.2024;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 12.7.2024;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 12.10.2024;
- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the applied use is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 14.11.2023
Appendix Ia	FI received on 2.1.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**